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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2010-371**

11 **WALTER LEROY DEDINI**
12 218 Winwood Avenue
13 Pacifica, CA 94044

A C C U S A T I O N

14 **Registered Nurse License No. RN 251801**
Public Health Nurse Certificate No. 20838

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about March 31, 1975, the Board of Registered Nursing issued Registered
23 Nurse License Number RN 251801 to Walter Leroy Dedini (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on September 30, 2010, unless renewed.

26 3. On or about April 18, 1975, the Board of Registered Nursing issued Public Health
27 Nurse Certificate Number 20838 to Walter Leroy Dedini (Respondent). The Public Health Nurse
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1 Certificate was in full force and effect at all times relevant to the charges brought herein and will
2 expire on September 30, 2010, unless renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
8 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 6. Section 2764 states:

12 "The lapsing or suspension of a license by operation of law or by order or decision of
13 the board or a court of law, or the voluntary suspension of a license by a licentiate shall not
14 deprive the board of jurisdiction to proceed with any investigation of or disciplinary proceeding
15 against such license, or to render a decision suspending or revoking such license."

16 7. Section 2811, subdivision (b), provides in pertinent part, that each license not
17 renewed in accordance with that section shall expire, but may within a period of eight years
18 thereafter be reinstated.

19 8. Section 2761 of the Code states:

20 "The board may take disciplinary action against a certified or licensed nurse or deny an
21 application for a certificate or license for any of the following:

22 "(a) Unprofessional conduct. . ."

23 9. Section 726 of the Code states:

24 "The commission of any act of sexual abuse, misconduct, or relations with a patient, client,
25 or customer constitutes unprofessional conduct and grounds for disciplinary action for any person
26 licensed under this division, under any initiative act referred to in this division and under Chapter
27 17 (commencing with Section 9000) of Division 3.

"This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

FIRST CAUSE FOR DISCIPLINE

(Sexual Misconduct with a Patient)

10. Respondent is subject to disciplinary action under section 726 of the code in that Respondent committed acts of sexual misconduct with a patient. The circumstances are as follows: On or about April 3, 2008, Respondent rubbed the crotch of a psychiatric unit patient at Mills Peninsula Hospital.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Respondent is subject to disciplinary action under section 2671(a) of the code in that respondent committed unprofessional conduct. The circumstances are described in paragraph 10, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 251801, issued to Walter Leroy Dedini.

2. Revoking or suspending Public Health Nurse Certificate Number 20838, issued to Walter Leroy Dedini.

3. Ordering Walter Leroy Dedini to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

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DATED: _____

2/4/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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